

## REMARKS

Claims 1-45 are pending in the application. In the non-final Office Action of October 27, 2005, the Examiner rejected claims 1-45 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Brandow, et al.* (U.S. Patent No. 6,938,041) (“*Brandow*”) in view of *Gu, et al.* (U.S. Patent No. 6,892,230) (“*Gu*.”) Applicants respectfully traverse the rejection and address the Examiner’s disposition below.

### Regarding claims 1-37, 44, and 45:

Independent claims 1, 18, 21, 44, and 45 each claim subject matter relating to searching a tree that is stored in an instruction format configuration file. The tree data structure includes a plurality of instruction format nodes. Each instruction format node indicates a specified combination of instruction elements including a specified instruction format and having associated with it a node selection criterion.

This is clearly unlike *Brandow* in view of *Gu*, which fails to disclose or suggest Applicants’ claimed tree data structure. *Brandow* discloses a method for querying a database using SQL statements. The SQL statements are parsed and converted into a query tree. The query tree is then normalized, compiled, and converted “into a set of instructions suitable for satisfying the query.” *Brandow* 7:31-64.

Thus, unlike Applicants’ claimed invention, *Brandow*’s query tree is not stored in an instruction format configuration file. Further, *Brandow*’s query tree does not include instruction format nodes that indicate a specified combination of instruction elements including a specified instruction format and having associated with it a node selection criterion. Instead, *Brandow*’s query tree nodes merely identify what information to retrieve from a database.

*Gu* also fails to disclose or suggest a tree data structure that is stored in an instruction format configuration file. Further, *Gu* fails to teach a tree data structure that includes instruction format nodes that indicate a specified combination of instruction elements including a specified instruction format and having associated with it a node selection criterion.

Accordingly *Brandow* in view of *Gu* fails to disclose or suggest claims 1, 18, 21, 44, and 45.

Claims 2-17, 19-20, and 22-37 depend directly or indirectly from claims 1, 18, or 21 and are therefore allowable for at least the same reasons that claims 1, 18, and 21 are allowable.

### Regarding claims 38-41:

Independent claim 38 claims subject matter relating to a tree data structure having entries that each comprise a plurality of instruction format nodes. Each instruction format node indicates a specified combination of instruction elements including a particular instruction format and having associated with it a node selection criterion.

This is clearly unlike *Brandow* in view of *Gu*, which fails to disclose or suggest Applicants' claimed tree data structure. As discussed above, *Brandow's* query tree does not include instruction format nodes that indicate a specified combination of instruction elements including a particular instruction format and having associated with it a node selection criterion. Instead, *Brandow's* query tree nodes merely identify what information to retrieve from a database.

*Gu* also fails to disclose or suggest a tree data structure that includes instruction format nodes that indicate a specified combination of instruction elements including a specified instruction format and having associated with it a node selection criterion.

Accordingly *Brandow* in view of *Gu* fails to disclose or suggest claim 38.

Claims 39-41 depend directly or indirectly from claim 38 and are therefore allowable for at least the same reasons that claim 38 is allowable.

Regarding claim 42:

Claim 42 claims a method comprising preparing a tree data structure consisting of a plurality of instruction format nodes, each instruction format node indicating a particular combination of instruction elements including a specified instruction format and having associated with it a node selection criterion.

This is clearly unlike *Brandow* in view of *Gu*, which fails to disclose or suggest Applicants' claimed tree data structure. As discussed above, *Brandow's* query tree does not include instruction format nodes that indicate a specified combination of instruction elements including a particular instruction format and having associated with it a node selection criterion. Instead, *Brandow's* query tree nodes merely identify what information to retrieve from a database.

*Gu* also fails to disclose or suggest a tree data structure that includes instruction format nodes that indicate a specified combination of instruction elements including a specified instruction format and having associated with it a node selection criterion.

Accordingly, *Brandow* in view of *Gu* fails to disclose or suggest claim 42.

Regarding claim 43:

Claim 43 claims a method comprising selecting a specified instruction format template dependent on at least one of client properties and resource properties. The template describes at what places in an instruction data set specified instruction elements can be placed.

This is clearly unlike *Brandow* in view of *Gu*, which fails to disclose or suggest Applicants' claimed invention. *Brandow* discloses that its templates can be used to create objects. However, nowhere does *Brandow* disclose or suggest a template that describes at what places in an instruction data set specified instruction elements can be placed.

*Gu* also teaches using templates, however, *Gu* also fails to disclose or suggest a template that describes at what places in an instruction data set specified instruction elements can be placed.

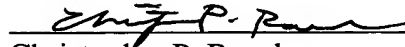
Therefore, *Brandow* in view of *Gu* fails to disclose or suggest claim 43.

Applicants respectfully submit the rejection has been overcome and request that it be withdrawn.

CONCLUSION

In view of the foregoing, it is submitted that claims 1-45 are patentable. It is therefore submitted that the application is in condition for allowance. Notice to that effect is respectfully requested.

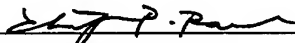
Respectfully submitted,

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